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REMARKS

Applicant acknowledges the Examiner's review of the specification, claims, and drawings. In light of the above amendments and following remarks, Applicant respectfully requests reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

DRAWINGS:

The Examiner objects to the drawings under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. Accordingly, Applicant submits herewith a drawing correction under separate cover.

SPECIFICATION:

The Examiner objects to the disclosure for the need to correct a patent number.

Applicant has amended the specification to correct the patent number for the referenced application.

In addition, Applicant has added a reference numeral to the specification on page 20 for the rain sensor.

DOUBLE PATENTING REJECTION:

The Examiner rejects Claims 1, 2, 8-10, 12-14, 16, 17, 20, 21, and 48-60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2, 4, 5, 8, 9, 11, and 17 of U.S. Patent No. 6,698,905. In response, Applicant respectfully submits herewith a Terminal Disclaimer, which is now believed to overcome the double patenting rejection. Accordingly, Applicant respectfully requests that the double

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patenting rejection of Claims 1, 2, 8-10, 12-14, 16, 17, 20, 21, and 48-60 be reconsidered and withdrawn.

WITHDRAWN CLAIMS:

Applicant respectfully notes that Claims 3-5, 11, 15, 18, and 19 have been withdrawn; however, in order for these claims to ultimately be allowed with the claims from which they depend, Applicant has amended the preamble to be consistent with the claims from which they depend.

STATUS OF THE CLAIMS:

Claims 1-21, 24-41, and 48-68 are pending in the application. Claims 3-7, 11, 15, 18, 19, and 24-41 have been withdrawn from consideration.

CLAIM OBJECTIONS:

The Examiner objects to Claim 49 but indicates the claim would be allowable if rewritten in independent form. Accordingly, Applicant has amended Claim 49 to be in independent form. Therefore, Applicant respectfully submits that Claim 49 is now allowable.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

The Examiner rejects Claims 1, 2, 8, and 9 under 35 U.S.C. § 102(b) as being anticipated by Ochiai et al. ('898), Nakaho ('488), and Fukac ('641).

Applicant respectfully traverses. Notwithstanding, Applicant has amended Claim 1 to more clearly define Applicant's invention, which now calls for:

A vehicular interior rearview mirror system, said interior rearview memory mirror system comprising:
an interior rearview mirror assembly;
said interior rearview mirror assembly comprising a mirror casing having a reflective element with a rearward field of view;

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said interior rearview mirror assembly further comprising a support being adapted to mount said mirror assembly to a vehicle;

an electrical actuator, at least a portion of said electrical actuator located interiorly of said support interior rearview mirror assembly, said electrical actuator cooperating with said support to provide adjustment of said mirror casing about said support when said electrical actuator is actuated to thereby provide adjustment of said rearward field of view of said reflective element about multiple axes when said actuator is actuated; and
said adjustment of said rearward field of view of said reflective element being responsive to a memory mirror system of the vehicle.

Applicant respectfully submits that none of Ochiai et al. ('898), Nakaho ('488), or Fukae ('641) alone or in combination discloses or suggests the claimed combination. For example, none of Ochiai et al. ('898), Nakaho ('488), or Fukae ('641) discloses or suggests a rearview mirror system that includes an interior rearview mirror assembly in combination with an electrical actuator of which at least a portion is located interiorly of the interior rearview mirror assembly support, which cooperates with the support of the interior rearview mirror assembly to provide adjustment of the mirror casing about the support to thereby provide adjustment of the rearward field of view of the reflective element about multiple axes when the electrical actuator is actuated and, further, where the adjustment of the rearward field of view of the reflective element is responsive to a memory mirror system of the vehicle. In contrast, Fukae ('641) similar to Nakaho ('488) and Ochiai et al. ('898) teach adjusting the reflective element independent of the mirror casing—not in tandem with the mirror casing.

Therefore, Applicant respectfully urges that Claim 1 and its dependent claims, namely Claims 2, 6-10, 12, and 13 are patentably distinguishable over Ochiai et al. ('898), Nakaho ('488), or Fukae ('641) alone or in combination with any other reference of record.

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Further, Applicant respectfully notes that the withdrawn claims, namely Claims 3-5 and 11, are dependent upon allowable Claim 1 and, therefore, should be entered back into the case and considered along with the allowable independent claim.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

The Examiner rejects Claims 10, 14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Nakaho ('488) or Ochiai et al. ('898).

Applicant respectfully submits that Claims 10 is patentably distinguishable over Nakaho ('488) or Ochiai et al. ('898) for the same reasons as set forth above in reference to Claim 1.

With respect to Claim 14, Applicant has amended Claim 14 as follows:

A vehicular interior rearview mirror system comprising:
an interior rearview mirror assembly;
said interior rearview mirror assembly comprising a mirror casing having a variable reflectance reflective element with a rearward field of view;
said interior rearview mirror assembly further comprising a support being adapted to mount said mirror assembly to a vehicle, said support adapted to provide a break-away connection for said interior rearview mirror assembly;
an electrical actuator located interiorly of said mirror assembly, said electrical actuator provides adjustment of said reflective element and said mirror casing relative to said support when said electrical actuator is actuated to thereby provide adjustment of said rearward field of view of said reflective element about one or more multiple axes when said actuator is actuated; and
said adjustment of said rearward field of view of said reflective element being responsive to a memory mirror system of the vehicle.

Applicant respectfully submits that none of Nakaho ('488) or Ochiai et al. ('898) discloses or suggests the claimed combination. For example, none of Nakaho ('488) or Ochiai et al. ('898) discloses or suggests a rearview mirror system that includes an interior

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rearview mirror assembly, an electrical actuator that is located interiorly of the mirror assembly, with the electrical actuator providing adjustment of the reflective element and the mirror casing relative to the support when the electrical actuator is actuated to thereby provide adjustment of the rearward field of view of the reflective element about multiple axes and, further, in combination with the adjustment of the rearview field of view of the reflective element being responsive to a memory mirror system of the vehicle. Therefore, Applicant respectfully urges that Claim 14 and its dependent claims, namely Claims 16, 17, 20, and 21, are patentably distinguishable over Nakaho ('488) or Ochiai et al. ('898) alone or in combination with any other reference of record.

The Examiner rejects Claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Nakaho ('488), Ochiai et al. ('898) or Fukae ('641).

With respect to Claims 12 and 13, Claims 12 and 13 are dependent upon Claim 1 and, thus, are similarly patentable over Nakaho ('488), Ochiai et al. ('898) or Fukae ('641) for at least the reasons set forth above in reference to Claim 1.

The Examiner rejects Claims 10, 14, 16, 17, 48, and 50-60 under 35 U.S.C. § 103(a) as being unpatentable over Fukae ('641).

With respect to Claim 10, Claim 10 is dependent upon amended Claim 1 and, thus, incorporates the same limitations as amended Claim 1. Therefore, Applicant respectfully urges that Claim 10 is patentably distinguishable over Fukae ('641) for at least the reasons set forth above in reference to Claim 1.

With respect to Claims 14-17, Applicant respectfully urges that Fukae ('641) does not disclose or suggest the claimed combination. For example, Fukae ('641) does not disclose or suggest a rearview mirror system that includes an interior rearview mirror

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assembly, an electrical actuator that is located interiorly of the mirror assembly, with the electrical actuator providing adjustment of the reflective element and the mirror casing relative to the support when the electrical actuator is actuated to thereby provide adjustment of the rearward field of view of the reflective element about multiple axes and, further, in combination with the adjustment of the rearview field of view of the reflective element being responsive to a memory mirror system of the vehicle.

Therefore, Claims 14-17 are patentably distinguishable over Fukae ('641) alone or in combination with any other reference of record.

With respect to Claims 48 and 50-60, Applicant respectfully traverses. Notwithstanding, Applicant has amended Claim 48 to more clearly define Applicant's invention which now calls for:

A vehicular interior rearview mirror system, said interior rearview memory mirror system comprising:
an interior rearview mirror assembly;
said interior rearview mirror assembly comprising a generally cup-shaped mirror casing having a reflective element;
said interior rearview mirror assembly further comprising a support, said support being adapted to mount to a vehicle windshield or a vehicle header portion, said support being adapted to provide a break-away mounting of said interior rearview mirror assembly, said support including a cavity;
an electrical actuator located at least partially in said cavity, said electrical actuator including at least one positioning member, said positioning member engaging said mirror casing whereby extension and retraction of said positioning member adjusts said mirror casing about multiple axes to thereby adjust said reflective element about multiple axes in tandem with said mirror casing; and
said adjustment of said rearward field of view of said reflective element being responsive to a memory mirror system of the vehicle.

Applicant respectfully urges that Fukae ('641) does not disclose or suggest the claimed combination. For example, Fukae ('641) does not disclose or suggest a vehicular

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interior rearview mirror system that includes an interior rearview mirror assembly and an electrical actuator, which is located at least partially in the cavity of the support of the interior rearview mirror assembly, with the electrical actuator including at least one positioning member, the positioning member engaging the mirror casing whereby extension and retraction of the positioning member adjusts the mirror casing about multiple axes to thereby adjusts the reflective element about multiple axes in tandem with the mirror casing and, further, in combination with the adjustment of the rearward field of view of the reflective element being responsive to a memory mirror system of the vehicle.

Therefore, Applicant respectfully urges that Claim 48 and its dependent claims, namely Claims 50-60, are patentably distinguishable over Fukae ('641) alone or in combination with any other reference of record.

The Examiner rejects Claims 20, 21, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable Fukae ('641) and further in view of O'Farrell et al. ('575).

With reference to Claims 20 and 21, Claims 20 and 21 are dependent upon amended Claim 14 and, thus, incorporate the same limitations as amended Claim 14. Applicant respectfully submits that Claims 20 and 21 are patentably distinguishable over Fukae ('641) for at least the reasons set forth above in reference to Claim 14. Further, O'Farrell et al. ('575) does not cure the deficiencies of Fukae ('641). For example, O'Farrell ('575) does not disclose or suggest an interior rearview mirror assembly in combination with electrical actuator that is located interiorly of the mirror assembly, with the electrical actuator providing adjustment of the reflective element and the mirror casing relative to the support when the electrical actuator is actuated. Therefore, Applicant respectfully submits that

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Claims 20 and 21 are patentable distinguishable over Fukac ('641) in view of O'Farrell et al. ('575) or any other reference of record.

With respect to Claims 53 and 54, Claims 53 and 54 are dependent upon amended Claim 48 and, thus, incorporate the same limitations as amended Claim 48. Therefore, Applicant respectfully urges that Claims 53 and 54 are patentably distinguishable over Fukac ('641) for at least the reasons set forth above in reference to Claim 48. Furthermore, Applicant respectfully submits that O'Farrell et al. ('575) does not cure the deficiencies of Fukae ('641) for at least the reasons set forth above.

Therefore, Applicant respectfully urges that Claims 53 and 54 are patentably distinguishable over Fukae ('641) in view of O'Farrell et al. ('575) alone or in combination with any other reference of record.

The Examiner rejects Claims 61 to 68 under 35 U.S.C. § 103(a) as being unpatentable over O'Farrell et al. ('575) or Jain et al. ('870) in view of Fukae ('641), Ochiai et al. ('898) or Nakaho ('488) and Wittmann ('543) or Mizuta et al. ('571).

With reference to Claim 61, Claim 61 has been amended to call for:

A vehicular memory mirror system comprising:
at least one exterior sideview mirror assembly, said
sideview mirror assembly including a sideview mirror casing
adapted to mount to a vehicle, a sideview reflective element, and a
sideview electrical actuator for adjusting the position of said
sideview reflective element in said sideview mirror casing about
one or more axes;

an interior rearview mirror assembly including a
rearview mirror casing, a rearview reflective element, a support for
mounting said rearview mirror casing to a vehicle windshield or a
vehicle header, and a rearview electrical actuator, said rearview
electrical actuator adjusting the position of said rearview reflective
element and said mirror casing about multiple axes about said
support to thereby adjust the rearward field of view of said
rearview reflective element; and

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at least one control module in communication with said rearview electrical actuator and said sideview electrical actuator, said control module actuating at least one of said actuators to adjust the position of at least one of said reflective elements in response to a signal from at least one of (a) a mirror switch that is user operable to selectively position of at least one of said reflective elements and (b) a memory set switch that is user operable to set a memory position for at least one of said reflective elements.

Applicant respectfully urges that none of O'Farrell et al. ('575), Jain et al. ('870), Fukae ('641), Ochiai et al. ('898), Nakaho ('488), Wittmann ('543), or Mizuta et al. ('571) discloses or suggests the claimed combination. For example, none of the references discloses or suggests a memory mirror system that includes a sideview mirror assembly, an interior rearview mirror assembly, with the interior rearview mirror assembly including a rearview electrical actuator that adjusts the position of the rearview reflective element and the mirror casing of the interior rearview mirror assembly about multiple axes about the interior rearview mirror assembly support to thereby adjusts the rearward field of view of the rearview reflective element in combination with at least one control module actuating at least one of the actuators to adjust the position of at least one of the reflective elements in response to a signal from a mirror switch or a memory set switch. Therefore, Applicant respectfully urges that Claim 61 and its dependent claims, namely Claims 62-68, are patentably distinguishable over O'Farrell et al. ('575), Jain et al. ('870), Fukae ('641), Ochiai et al. ('898), Nakaho ('488), Wittmann ('543), or Mizuta et al. ('571) or any other reference of record.

In light of the above amendments and remarks, and enclosed drawing correction sheet and Terminal Disclaimer, Applicant respectfully submits that the application is now in condition for allowance.

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Should the Examiner have any questions or suggestions, he is invited to contact the undersigned at (616) 975-5506 or at collins@vglb.com.

Respectfully submitted,

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